



General Assembly

Substitute Bill No. 5339

February Session, 2010

* ____HB05339JUD__032910__ *

**AN ACT CONCERNING NOTIFICATION OF PEACE OFFICERS WHO
HAVE BEEN ASSAULTED PRIOR TO THE COURT SENTENCING OR
ACCEPTING A PLEA AGREEMENT OF THE DEFENDANT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-91c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) For the purposes of this section, "victim" means a person who is
4 a victim of a crime, the legal representative of such person, a member
5 of a deceased victim's immediate family or a person designated by a
6 deceased victim in accordance with section 1-56r.

7 (b) Prior to the imposition of sentence upon any defendant who has
8 been found guilty of any crime or has pleaded guilty or nolo
9 contendere to any crime, and prior to the acceptance by the court of a
10 plea of guilty or nolo contendere made pursuant to a plea agreement
11 with the state wherein the defendant pleads to a lesser offense than the
12 offense with which such defendant was originally charged, the court
13 shall permit any victim of the crime to appear before the court for the
14 purpose of making a statement for the record, which statement may
15 include the victim's opinion of any plea agreement. In lieu of such
16 appearance, the victim may submit a written statement or, if the victim
17 of the crime is deceased, the legal representative or a member of the
18 immediate family of such deceased victim may submit a statement of

19 such deceased victim to the state's attorney, assistant state's attorney or
20 deputy assistant state's attorney in charge of the case. Such state's
21 attorney, assistant state's attorney or deputy assistant state's attorney
22 shall file the statement with the sentencing court and the statement
23 shall be made a part of the record at the sentencing hearing. Any such
24 statement, whether oral or written, shall relate to the facts of the case,
25 the appropriateness of any penalty and the extent of any injuries,
26 financial losses and loss of earnings directly resulting from the crime
27 for which the defendant is being sentenced. The court shall inquire on
28 the record whether any victim is present for the purpose of making an
29 oral statement or has submitted a written statement. If no victim is
30 present and no such written statement has been submitted, the court
31 shall inquire on the record whether an attempt has been made to notify
32 any such victim as provided in subdivision (1) of subsection (c) of this
33 section or, if the defendant was originally charged with a violation of
34 section 53a-167c for assaulting a peace officer, whether the peace
35 officer has been personally notified as provided in subdivision (2) of
36 subsection (c) of this section. After consideration of any such
37 statements, the court may refuse to accept, where appropriate, a
38 negotiated plea or sentence, and the court shall give the defendant an
39 opportunity to enter a new plea and to elect trial by jury or by the
40 court.

41 (c) [Prior] (1) Except as provided in subdivision (2) of this
42 subsection, prior to the imposition of sentence upon such defendant
43 and prior to the acceptance of a plea pursuant to a plea agreement, the
44 state's attorney, assistant state's attorney or deputy assistant state's
45 attorney in charge of the case shall [advise] notify the victim of such
46 crime of the date, time and place of the original sentencing hearing or
47 any judicial proceeding concerning the acceptance of a plea pursuant
48 to a plea agreement, provided the victim has informed such state's
49 attorney, assistant state's attorney or deputy assistant state's attorney
50 that such victim wishes to make or submit a statement as provided in
51 subsection (b) of this section and has complied with a request from
52 such state's attorney, assistant state's attorney or deputy assistant

53 state's attorney to submit a stamped, self-addressed postcard for the
54 purpose of such notification.

55 (2) Prior to the imposition of sentence upon a defendant originally
56 charged with a violation of section 53a-167c for assaulting a peace
57 officer, and prior to the acceptance of a plea pursuant to a plea
58 agreement, the state's attorney, assistant state's attorney or deputy
59 assistant state's attorney in charge of the case shall personally notify
60 the peace officer who was the victim of such crime of the date, time
61 and place of the original sentencing hearing or any judicial proceeding
62 concerning the acceptance of a plea pursuant to a plea agreement.

63 (3) If the state's attorney, assistant state's attorney or deputy
64 assistant state's attorney is unable to notify the victim, such state's
65 attorney, assistant state's attorney or deputy state's attorney shall sign
66 a statement as to such notification.

67 (d) Upon the request of a victim, prior to the acceptance by the court
68 of a plea of a defendant pursuant to a proposed plea agreement, the
69 state's attorney, assistant state's attorney or deputy assistant state's
70 attorney in charge of the case shall provide such victim with the terms
71 of such proposed plea agreement in writing.

72 (e) The provisions of this section shall not apply to any proceedings
73 held in accordance with section 46b-121 or section 54-76h.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	54-91c

PS *Joint Favorable Subst. C/R* JUD

JUD *Joint Favorable Subst.*